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September 17, 2009

**BY FEDERAL EXPRESS**

Barbara L. Peterson  
United States Environmental Protection  
Agency -- Region 7  
901 N. 5th Street  
Kansas City, KS 66101-2907

**Re: Designation of Centel Corporation and the City of Beatrice as Authorized Agents of the United States Environmental Protection Agency for the purpose of Entry onto Property Owned or Controlled by BNSF Railway Company**

Dear Ms. Peterson:

Enclosed is the fully executed designation letter prepared by the United States Environmental Protection Agency for the above designation. The letter has been signed by the Centel Corporation and the City of Beatrice.

Please contact me if you have any questions.

Sincerely,

Russell E. Rosenthal

RER:dgh  
Enclosure

cc: Scott Young, Esq. (w/o encl)  
Brian Wiedower (w/o encl)  
Ed Clement (w/o encl)  
K.C. Engdahl (w/o encl)

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

**AUG 06 2009**

Mr. Scott Young  
Polsinell Shughart  
700 W. 47<sup>th</sup> Street  
Kansas City, Missouri 64112

Mr. K.C. Engdahl  
Engdahl Koukol Goracke Johnson & Dougherty, LLC  
1623 Farnam Street  
Suite 300  
Omaha, Nebraska 68102

Re: Designation of Centel Corporation and the City of Beatrice as Authorized Agents of the United States Environmental Protection Agency for the Purpose of Entry onto Property Owned or Controlled by BNSF Railway Company

Dear Counsel:

By this letter the United States Environmental Protection Agency (EPA) designates Centel Corporation (Centel) and the City of Beatrice (the City) and their officers, employees, agents, contractors, consultants, and representatives, as EPA's authorized representatives solely for purpose of entry onto property owned or controlled by BNSF Railway Company at or in the vicinity of the Beatrice Former Manufactured Gas Plant Site in Beatrice, Gage County, Nebraska, where such entry is needed to conduct the Engineering Evaluation and Cost Analysis (EE/CA) required under the Administrative Settlement Agreement and Order on Consent (Settlement Agreement) under which Centel and the City are performing the EE/CA.


EPA is authorized to designate Centel and the City as its representatives pursuant to section 104(e)(1) and (3) of the Comprehensive Environmental Response, Compensation, and Liability Act as amended (CERCLA), 42 U.S.C. § 9604 (e)(1) and (3), and the National Contingency Plan, 40 C.F.R. Section 300.400(d)(3). The authority granted to the President in Section 104(e) of CERCLA was delegated to EPA in Executive Order 12580, issued January 23, 1987, and re-delegated to the Regional Administrators by EPA Delegation No. 14-6 on September 13, 1987. This authority was redelegated by the Regional Administrator, EPA, Region 7, to the Director of the Superfund Division on June 30, 1997, by Delegation No. R7-14-006.

This letter additionally reaffirms the obligations of Centel and the City under the Settlement Agreement to pay the expenses incurred by the United States in obtaining access on

their behalf, and to indemnify, save, and hold harmless the United States for any and all claims or causes of action arising from or on account of acts or omissions of Centel and the City or their officers, employees, agents, contractors, subcontractors, and any persons acting on their behalf or under their control, in carrying out activities pursuant to the Settlement Agreement.

Please acknowledge your receipt and agreement with the contents of this letter by signing where indicated below and returning this letter to Barbara L. Peterson, Office of Regional Counsel, 901 North 5<sup>th</sup> Street, Kansas City, Kansas 66101.

Sincerely,

  
Cecilia Tapia  
Director  
Superfund Division

For Centel Corporation:

BY: Carrick Inabnett  
(Signature)  
Carrick Inabnett  
(Print)  
Vice President  
(Title)

For City of Beatrice

BY: Dennis Schuster  
(Signature)  
Dennis Schuster  
(Print)  
Mayor  
(Title)